

## REMARKS

In this Amendment, Applicant has amended claim 10, and canceled claims 7-9, 12-13, 15-17 and 19, without prejudice, so that claims 10, 11, 14 and 18 are currently pending. Support for the amendments is found, for example, at Page 3, and Page 5 of the specification and Figure 2 of the drawings. No new matter has been introduced by way of this amendment. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

The Examiner has objected to the abstract of the specification. Specifically, the Examiner has objected to the language of "the present invention relates to". Applicant has amended the abstract to obviate the above language. Thus, the above objection to the abstract is overcome. Furthermore, the abstract has been amended to be consistent with the currently pending independent claim 10.

The Examiner has rejected claims 7-10 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,723,189 to Sudo (hereinafter "Sudo 189"). The Examiner has further rejected claims 7 and 11 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,853,833 to Sudo (hereinafter "Sudo 833"). The Examiner has further rejected claims 15-18 under 35 U.S.C. §103(a) as allegedly unpatentable over Sudo 189. The Examiner has further rejected claims 11-14 under 35 U.S.C. §103(a) as allegedly unpatentable over Sudo 189 in view of Sudo 833. The Examiner has further rejected claim 19 under 35 U.S.C. §103(a) as allegedly unpatentable over Sudo 189 in view of Sudo 833.

Applicant respectfully submits that the above rejections are overcome in light of the amendments made to claim 10 and the remarks made herein.

The cancellation of claims 7-9, 12-13, 15-17 and 19 renders any rejection thereof moot.

Independent claim 10, as amended, recites a package for holding a dental implant with a fluid material preserving the dental implant. The package includes a capsule and a cap. Specifically, the capsule is formed exclusively of cyclic olefin copolymer with an impermeability to moisture of less than 5% fluid loss per year and the cap is formed of low-density-polyethylene.

The combination of capsule made exclusively of a cyclic olefin copolymer with a cap made of low-density-polyethylene provides an excellent shelf life for the dental implant stored in the package, particularly when an electrolyte or an aqueous solution is used as a storage fluid.

Turning to the prior art, Sudo 189 discloses a container for a sanitary article, including a bottle body (2) having an inner face coated with cyclic olefin resin and a fusion-bonded stopper (9) bonded to a mouth (8) of the container (see, Figure 4, and Co. 20, Lines 43-47 of Sudo 189). Sudo 189 further discloses that aluminum can be co-extruded with the cyclic olefin resin to form a multi-layered body (2) of the container.

However, Sudo 189 fails to teach or fairly suggest that the bottle body (2) is formed exclusively of cyclic olefin copolymer with an impermeability to moisture of less than 5% fluid loss per year. Instead, Sudo 189 discloses an inner layer of the body formed of a composition (see, for example, claim 1 of Sudo 189).

Furthermore, Sudo 189 does not disclose the characteristics concerning the impermeability of the material for the body. Sudo also fails to teach a cap made of low-density-polyethylene.

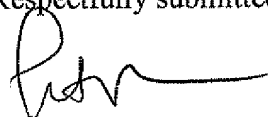
Thus, Sudo 189 fails to disclose each and every element of claim 10.

Accordingly, the rejection of claim 10 under 35 U.S.C. §102(b) as allegedly anticipated by Sudo 189 is overcome, and withdrawal thereof is respectfully requested.

Sudo 833 is relied on to allegedly teach a silicon oxide coating further formed on the inner side of the capsule. However, Sudo 833 does not remedy the underlying deficiencies of Sudo 189, i.e., Sudo 833 does not disclose a cap made of low density polyethylene and a capsule formed exclusively of cyclic olefin copolymer. Thus, neither Sudo 189 nor Sudo 833, taken alone or in combination, discloses the combination of features recited by claim 10, from which claims 11, 14 and 18 depend. Accordingly, the rejection of claim 11, 14 and 18 under 35 U.S.C. §103(a) as allegedly unpatentable over the combination of Sudo 189 and Sudo 833 is overcome, and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Peter I. Bernstein  
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343  
PIB/HC/ech